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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE LEGAL SUBCOMMITTEE

Thirty-fifth session

SUMMARY RECORD OF THE 594th MEETING

Held at the Vienna International Centre, Vienna,
on Monday, 25 March 1996, at 10 a.m.

Chairman:

Mr. MIKULKA

(Czech Republic)

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES (A/AC.105/607 and Corr.1; A/AC.105/C.2/L.182/Rev.3, A/AC.105/C.2/L.197/Rev.1; A/50/20)

1. **The CHAIRMAN** drew attention to the report of the Subcommittee on its thirty-fourth session (A/AC.105/607 and Corr.1), annex II to which contained the report of the Chairman of the Working Group on the relevant agenda item. The working paper submitted by a number of delegations at that session and the working paper submitted by France and Germany, also at the 1995 session, were before the Subcommittee in revised versions as documents A/AC.105/C.2/L.182/Rev.3 and A/AC.105/C.2/L.197/Rev.1 respectively. An informal working paper submitted during that session by the Chairman of the Working Group on the item was contained in the appendix to annex II of the Subcommittee's report.
2. The work of the Legal Subcommittee on outer space benefits had been reviewed by its parent body, the Committee on the Peaceful Uses of Outer Space, at its last session (see document A/50/20, paras. 126-139 and 187 (c)).
3. Finally, in resolution 50/27, the General Assembly had recommended that at its present session the Legal Subcommittee, taking into account the concerns of all countries, particularly those of developing countries, should continue its consideration of the item through the relevant working group.
4. **Mr. FIUZA NETO** (Brazil) said that the working paper sponsored by the delegations of France and Germany, particularly in its revised form (A/AC.105/C.2/L.197/Rev.1), was a major development, since it provided a systematic view of its sponsors' ideas on the issue and opened the door towards a consensus. The revised working paper submitted by his own and 11 other delegations (A/AC.105/C.2/L.182/Rev.3) would, he hoped, demonstrate the sponsors' constructive attitude to the subject. Their main objective was to formulate a text acceptable to all delegations that embodied a flexible approach to the creation of mechanisms designed to reduce dependency and expand knowledge in regard to space activities. The needs of developing countries for space knowledge were more basic than those of the space powers and thus more pressing. In his delegation's view, the item on space benefits was the major issue before the Subcommittee because of its potential for international cooperation.
5. The two revised working papers had been motivated by the consolidated paper based on their predecessors which the Chairman of the Working Group on the item had circulated towards the close of the previous session (A/AC.105/607 and Corr.1, annex II, appendix). He hoped they would provide him with additional elements to facilitate the Group's discussions.
6. **Mr. HECKER** (Germany) said that the French and German delegations, having been encouraged by the constructive reception of their working paper on outer space benefits at the previous session, had now introduced a revised version of it (A/AC.105/C.2/L.197/Rev.1). The document was drafted as a General Assembly resolution in order to take account of the wish of some delegations for a formal document on the subject. Clarifications resulting from delegations' comments had been made in the operative part of the text. In the sponsors' view, the revised paper reflected a constructive approach to the issue of international cooperation in the exploration and use of outer space for the benefit and in the interests of all States, taking

into particular account the needs of developing countries. The sponsors hoped that it would provide common ground for a consensus in the Subcommittee.

7. **Mr. KIM** (United States of America) said that although his delegation appreciated the care which had gone into the preparation of the two revised working papers, it questioned the need for a declaration on the subject they dealt with. Moreover, where would such a text lead the Subcommittee? On the first point, his delegation had yet to be persuaded of the legal or practical necessity for elaborating a new framework for international cooperation; in its view, Member States were already sufficiently guided in that respect by the 1963 Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space and the 1967 Outer Space Treaty. Much mutually beneficial scientific and technological cooperation and exchange took place between States on a multilateral and bilateral basis. For instance, his own Government, one of the leaders in that area, would shortly be hosting the International Conference on Spin-off Benefits of Space Technology at Colorado Springs. It did not see how a new declaration or set of principles on such matters would be helpful and indeed feared that it might create difficult issues that could impede further cooperation.

8. On the second point, his delegation continued to believe that the item under discussion should be a point of departure for the exchange of ideas and information on the legal aspects of space benefits. It did not believe that the Subcommittee or the Working Group on the item should embark upon the negotiation of new instruments addressing policy or programme applications. The Working Group, in choosing topics for discussion, must take into account the need for and purpose of discussing them. His delegation believed that the Subcommittee would benefit from an early and clear understanding of the proposed goals and applications of the working papers before it.

9. **Mr. GONZALEZ** (Chile), referring in particular to the statement made by the United States representative, reminded the Subcommittee that under its terms of reference its task was to establish legal norms, not to philosophize. The third preambular paragraph of General Assembly resolution 50/27 reaffirmed the importance of international cooperation in developing the rule of law, including the relevant norms of space law. Members should bear that in mind as well.

The meeting rose at 10.40 a.m.